



# FORMAL REPORT

**To:** Mayor Strathdee and Members of Council

**Prepared by:** Jeff Wolfe, Asset Management and Engineer Specialist

**Date of Meeting:** 28 November 2017

**Subject:** **PW 67-2017 Winter Maintenance Agreements for Subdivisions**

## PURPOSE

This report presents information related to winter maintenance activities within un-assumed subdivisions.

## RECOMMENDATION

THAT Council receive PW 67-2017 Winter Maintenance Agreements for Subdivisions report; and,  
THAT Council approve By-law 105-2017 authorizing the Mayor and the Clerk to sign the associated agreement with Meadowridge Properties Ltd. for Diamondridge Subdivision winter maintenance; and,  
THAT Council approve By-law 106-2017 authorizing the Mayor and the Clerk to sign the associated agreement with 2231872 Ontario Inc. for Northridge Subdivision winter maintenance; and,  
THAT Council approve By-law 107-2017 authorizing the Mayor and the Clerk to sign the associated agreement with 2416987 Ontario Inc. for Westover Place Subdivision winter maintenance.

## BACKGROUND

The Town has several active subdivision agreements with developers where roads and sidewalks are constructed but the Town has not assumed the infrastructure. The subdivision agreements require that the developer maintains the infrastructure year round to the Town's satisfaction, and subject to regular inspection by the Town. To ensure that minimum maintenance standards are met, the Town has historically completed winter maintenance activities on un-assumed roads and sidewalks within subdivisions but there were no formal agreements for this arrangement. Staff have developed agreements to formalize the winter maintenance arrangement between the Town and developers.

## REPORT

Subdivision developments regularly include new road allowances where a developer constructs a new road to access lots created by the plan of subdivision. These newly constructed roads eventually become assumed by the Town once the Town is satisfied that the infrastructure is in a good condition to accept. Subdivision agreements outline the process for how the Town will accept / assume infrastructure from the developer. There are several stages to the assumption process that result in a minimum of three years where the developer owns the subdivision roads before the Town takes ownership and the responsibilities that go along with road ownership.

Subdivision agreements require that, prior to assumption by the Town, roads are maintained by the developer to the Town's satisfaction. This includes winter maintenance activities on the roads and sidewalks. The Town has historically completed winter maintenance activities in subdivisions as both the developers and staff recognized the Town was better suited to carry out winter maintenance activities than a developer and could ensure that minimum maintenance standards were met. The

development community has long argued that the Town can provide a higher level of service than a subcontractor and that residents living within an un-assumed subdivisions have an expectation that their roads receive the same level of service as other similar roads in Town.

As part of the development of snow the removal agreements, staff consulted with the Town's insurer Frank Cowan. They have recommended that the Town limit liability associated with winter maintenance wherever possible, including avoiding un-assumed subdivision roads. However, based on past staff experience with 3<sup>rd</sup> party snow removal, the reality of a claim situation is that the Town would be named in a claim and required to defend itself regardless of whether the Town carried out maintenance activities. The Town would be named in a claim because the current active subdivision agreements state the Town is required to inspect snow removal activities on un-assumed roads to ensure current standards are being met.

The Public Works department, like all surrounding roads departments, uses the minimum maintenance standards defined by the province for snow removal service delivery. By entering into snow removal agreements with the various developers the Town can ensure that the condition of roads meets the minimum maintenance standards. Further advantages are realized as record keeping would be integrated into existing accepted winter maintenance logging practices. Town staff are present during defined patrols and activity monitoring road conditions in Town during winter months as opposed to third party contractor who might not be in close proximity to the Town.

Developments that are currently in a stage where developers are still responsible for the cost of winter maintenance activities include; Northridge, Diamondridge, Thames Crest Farms (Emily Street), and Westover Place Subdivisions. The Thames Crest Farms subdivision agreement specifically identified the Town as carrying out winter maintenance activities so a separate agreement is not necessary for that development. Staff worked with Legal to develop the attached standard subdivision agreement that would be applied to these subdivisions.

## **SUMMARY**

The Town carries out winter maintenance activities within subdivisions. Staff are looking to formalize the process with written agreements.

Because of this likelihood of being named in a claim anyways, it is staff's position that the Town continue to provide snow removal on un-assumed roads as snow removal is a core service of the Town and we can then ensure that minimum standards are met.

## **FINANCIAL IMPLICATIONS**

The cost of carrying out the winter maintenance activities within subdivisions is to be offset by the revenue from the agreements. The agreement identifies a cost per snow event that the developer would be responsible for paying to the Town. This cost was determined by taking the Town's cost per snow event per kilometer of road and applying it to the number of kilometers of road within the subdivision. Based on the current km's of un-assumed road, the 2017/2018 revenue associated with subdivisions is estimated at \$20,000.

## **STRATEGIC PLAN**

Not applicable to this report.

## **OTHERS CONSULTED**

Active Development Representatives - Craig Linton, Rob Taylor, Gerry Lang, Strong McDougall  
Oudekerk  
Frank Cowan Insurance

# ATTACHMENTS

Winter Maintenance Agreements for Diamondridge, Northridge, and Westover Place Subdivisions

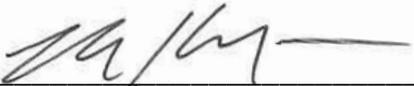
## REVIEWED BY

### Recommended by the Department

  
\_\_\_\_\_  
Jeff Wolfe  
Asset Management/Engineering Specialist

  
\_\_\_\_\_  
Jed Kelly  
Director of Public Works

### Recommended by the CAO

  
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Brent Kittmer  
CAO / Clerk